

MHPU010209672022

Part - 'A'

Received on : 17/10/2022
 Registered on : 17/11/2022
 Decided on : 01/01/2026
 Duration : Y M D
 04 01 16

SPL (POCSO) CASE No. 905/2022**Exh. No. 23****IN THE COURT OF SESSIONS AT PUNE****Presided over by : Smt. S.S. Nair,****District Judge- 5 and Additional Sessions Judge (POCSO), Pune**

FIR DETAILS	F.I.R. No. 568/2022 u/Section 376 2(n), 4(3), 328, 354(B), 326 and 452 of Indian Penal Code and Section 4,6,8 and 12 of the POCSO Act. Police Station – Shirur, Pune.	
COMPLAINANT		STATE OF MAHARASHTRA Through Police Station – Shirur District – Pune
REPRESENTED BY		Smt. V. V. Patil, Special Public Prosecutor for the State
ACCUSED		Rushikesh Chandya Bhosale Age: 24 yrs, Occupation : Labour R/at. Near Water Tank, Shirur, tal Shirur, Dist Pune
REPRESENTED BY	Shri. G.R. Gaikwad, Ld. Advocate for accused	

Part - 'B'

(Para 44 (iii) of Chapter VI of Criminal Manual)

Date of Offence	19/08/2022 to 20/08/2022
Date of FIR	20/08/2022
Date of Charge-sheet	17/10/2022
Date of framing of charges	04/12/2024
Date of commencement of evidence	15/12/2025
Date on which judgment is reserved	01/01/2026
Date of the Judgment	01/01/2026
Date of the sentencing order, if any	--

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention undergone during Trial for purpose of Section 428 of Cr.P.C.
	Rushikesh Chandya Bhosale	07/12/2022	In jail	Section 376 2(ii), 4(3), 328, 354(b), 326 and 452 of Indian Penal Code and Section 4,6,8 and 12 of the POCSO Act	Acquitted	--	---

1- The accused was charged for the offences punishable under Section Section 376 2(ii), 4(3), 328, 354(b), 326 and 452 of Indian Penal Code (in short 'the IPC') and Section 4,6,8 and 12

of the Protection of Children from Sexual Offences Act, 2012 (in short 'the POCSO Act') on the allegation that accused raped the minor victim by intoxicating her, made her pregnant and thereby committed the aforesaid offence.

The brief facts of the prosecution case are as under :

2- The F.I.R was lodged on 20/08/2022 by the step-mother of the victim alleging that she stays along with her husband, mother-in-law and step-daughter at village Shirur, Tal-Shirur, District-Pune. All her family members except the victim works as a labour and earn their livelihood. On 19/08/2022 the informant along with her husband went to village Kolgaon for labour work. They halted there and returned next morning. The victim then informed on phone to the informant that the previous day around 11.00 p.m., the accused who resides adjacent to their house, brought biryani for her. As she was hungry, she ate biryani and felt giddiness. The accused started touching her inappropriately. As the victim was feeling giddiness, she could not strongly resist the accused. Next day morning, she found herself naked and her clothes were lying beside her. The accused, after completing the act, fled from the spot.

3- The informant reached home and took the victim along with her and reported the incident to the police. Based on the informant's statement, a crime was registered against the accused, and he was subsequently arrested by the police.

4- The Investigating Officer was entrusted with the investigation of this crime and during the course of investigation, he recorded the statements of the victim and other witnesses. He had visited the spot of incident and prepared spot panchnama. He also sent the victim and accused for medical examination. The age proof of the victim was also collected. Muddemal i.e on blanket of red and pink colour was seized from the spot. After completion of investigation, a charge-sheet was filed against the accused.

5- After hearing the learned A.P.P and learned Advocate for the accused, the charge was framed at Exh. against the accused for the aforesaid offences. The contents of the charge were explained to the accused in vernacular, to which they pleaded not guilty and claimed to be tried.

6- The statements of the accused under Section 313 of the Cr.P.C. were dispensed with as no incriminating evidence has come on record.

7- From the above facts, following points arise for my consideration and I have recorded my findings thereon for the reasons hereinafter stated.

<u>SR NO.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Does the prosecution prove that during the period from 19/08/2022 until 20.08.2022, the accused committed rape on the victim girl, aged 15 years by	.. No.

intoxicating her and thereby committed an offence punishable under Section 376 of the Indian Penal Code ?

2. Does the prosecution prove that accused gave biryani to the victim by adding intoxicating substance with intent to establish the physical relations with her forcefully and thereby committed an offence punishable under Section 328 of the Indian Penal Code? ..No.
3. Does the prosecution prove that the accused committed criminal house trespass, made preparation for assaulting or causing hurt to victim girl aged about 15 years and thereby committed an offence punishable under Section 452 of the Indian Penal Code? ..No.
4. Does the prosecution prove that the accused voluntarily caused hurt to victim girl by twisting her fingers and thereby committed an offence punishable under section 323 of the Indian Penal Code? ..No.
5. Does the prosecution prove that the accused committed penetrative sexual assault upon the minor victim girl and thereby committed an offence punishable u/Sec. 3 r/w 4 of the Protection of Children from Sexual Offences Act,2012 ? ..No.
6. Does the prosecution prove that the accused committed aggravated penetrative sexual assault upon the minor victim girl aged 15 years and made her pregnant as a consequence of sexual assault and thereby committed an offence ..No.

punishable u/Sec. 5(j)(ii) r/w 6 of the Protection of Children from Sexual Offences Act,2012 ?

7. What Order ?

Accused is acquitted as per final order.

REASONS

Points No. 1 to 7 :-

8- Prosecution had examined two witnesses to prove the offence against the accused. Victim has denied that any incident occurred. She is a young child, and she testified that nothing happened and specifically denied that the accused was involved in any way. This denial from the victim is significant, as it directly challenges the prosecution's version of events. The victim's testimony during the trial makes it clear that she has not supported the prosecution's case. In addition to the victim's testimony, her mother also changed her stand. She too has denied that the incident ever took place, contradicting the earlier statements that were made. This change in the victim's family's testimony suggests that they may have reached some kind of settlement with the accused outside the court, possibly to resolve the matter privately, and now they are unwilling to testify against him.

9- As a result, there is a lack of solid evidence to link the accused with the crime. While the medical evidence may still seem to support the prosecution's case to some extent, without the victim's or her family's testimony, this evidence alone cannot

establish the accused's guilt. Documentary evidence, such as medical reports or records, may be available, but they hold little weight in the absence of clear and reliable testimony that supports the prosecution's claims.

10- Regarding the victim's age, the prosecution claims she is a child, the accused has admitted the victim's birth certificate, which confirms her age. While there is no dispute about her being a minor, proving her age alone is not enough to make a case if there is no substantial evidence showing that the accused actually committed the offense. In criminal law, proving the age of the victim is important, especially in cases involving minors, but without convincing evidence of the crime itself, this information is not enough to secure a conviction.

11- In summary, although the victim is a minor and medical evidence may seem to support the prosecution, the lack of consistent and reliable testimony from the victim and her family makes it very difficult to connect the accused to the crime. The case lacks the necessary substantive evidence to prove the accused's guilt beyond a reasonable doubt. Hence, the following order-

ORDER

- 1] The accused- **Hrushikesh Chandya Bhosale** is hereby acquitted of the offences punishable under Section 376 328, 452, 323 of Indian Penal Code and Section 4, 6 of

the POCSO Act vide Section 235(1) of the Code of Criminal Procedure. He be set at liberty if not required in any other case.

- 2] Muddemal property being worthless, be destroyed after the appeal period is over.
- 3] Accused shall execute personal bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount to appear before the Appellate Court as and when notice is issued within six months, as per the provisions of section 437-A of Code of Criminal Procedure. If the Surety intends to continue, the bail bond shall be valid for another six months.

(Dictated and pronounced in open Court.)

Pune
Date : 01.01.2026

(Smt. S.S.Nair)
Additional Sessions
Judge, (POCSO), Pune

Part 'C'**LIST OF PROSECUTION/DEFENCE/COURT WITNESSES****A. Prosecution :**

RANK	NAME	EXH.	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Victim	16	Victim
PW-2	Victim's mother	18	Informant

B. Defence witnesses, if any : Nil**C. Court witnesses, if any : Nil**

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution :-**

Sr. No.	Exhibit Number	Description
1	P-17/PW1	Statement of victim u/s 164 of Cr. PC.
2	P-19/ PW1	Complaint (To the extent of thumb impression)
3	P-20/PW1	First Information Report (To the extent of thumb impression)

B. Defence :- Nil**C. Court Exhibits :-**

Sr. No.	Exhibit Number	Description
1	Exh. 21	Spot Panchanama
2	Exh. 22	Medico Legal Examination report

D. Material Objects :- Nil

CERTIFICATE

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno	Smt. S. V. Hirve Stenographer Grade I
Name of Court	Smt. S.S. Nair, District Judge- 5 and Addl. Sessions Judge, Pune.
Date of Order	01.01.2026
Order signed by	01.01.2026
PO on	
Order uploaded on	01.01.2026